

REPORT

UPON, AND

DRAUGHT OF A CODE

FOR THE SUPPORT OF

COMMON SCHOOLS,

PREPARED

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AGREEABLY TO DIRECTION OF THE

GENERAL ASSEMBLY OF MARYLAND.

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REPORT.

The undersigned, in obedience to the requirements of resolution No. 1, of the last session of the Legislature, have the honour to submit, for the consideration of the honourable the Senate and House of Delegates, the accompanying draught of a code for the government of the common schools of the state.

In its preparation, it has been their purpose, whilst they simplified the details of the system, to make it embrace all the advantages supposed to be derivable from those of other states, particularly from those of Massachusetts* and New York. In

* In this state common schools are coeval with its settlement. Provision was made for them in the code formed on board of the "Mayflower." And it will be discovered that although the pilgrims acted upon the Mosaic law, and declared the acts of cursing and smiting a parent to be capital offences, yet if it were found that the parents were negligent in the education of their children, this severity was dispensed with.

"If any child or children above the age of sixteen years old, and of sufficient understanding, shall curse or smite their natural father or mother, he or they shall be put to death, unless it can be sufficiently testified that the parents have been very unchristianly negligent in the education of such children." Massachusetts colony laws, 1646, chap. 18, § 13.

"If any childe or children above sixteen years old, and of competent understanding, shall curse or smite their natural father or mother, he or they shall be put to death, unless it can be sufficiently testified that the parents have been very unchristianly negligent in the education of such children." Plymouth colony laws, 1671, chap. 2, § 13.

both of these states, great pains have been taken to establish and sustain an efficient system of common schools; and, if we be permitted to judge of their character, from the frequent eulogiums pronounced upon their efficiency, by persons competent to form a correct opinion, those efforts have been eminently successful. It was anxiously desired to make the system of Maryland conform to those of these two states, but owing to the difference in their municipal arrangements, it was found to be impossible to do so in all particulars. The sub-division of their territory into towns, and the agency of the town officers in the management of their respective schools, are advantages of which Maryland, under her present system, is necessarily and unavoidably deprived. To overcome, as far as possible, this disadvantage, the introduction of other agents has been authorized. Of their efficiency, time alone will enable us to speak with confidence.

On contrasting our present system with those of other states, the undersigned were led to the conclusion, that one of the most prominent, if not the chief cause of its comparative inefficiency, is its destitution of any controlling head. In Massachusetts, New York, Pennsylvania, and indeed, in most of the states, there is a Principal to their system, who is responsible to a considerable degree for the manner in which it performs its functions. In Massachusetts, there is a Board of Education, the secretary of which is charged with the supervision of the common schools, and with the collection of information touching their management and condition. This duty in New York and Pennsylvania, is performed by the secretary of state, who, in this connection, is denominated the superintendent of common schools. In these states it is made the duty of the trustees of the several schools, annually to furnish to the secretary or superintendent, full information in reference to the number of scholars in attendance upon their respective schools; their course of studies, ages, the period of attendance at the school of each scholar, the amount of money annually received by them from all sources, together with such other information as they may deem of advantage. When these reports are received by the secretary of the Board of Education, or superin-

tendent of common schools, as the case may be, it is made his duty to arrange a digest of their contents, in such order as to enable the Legislature to whom it is submitted, to form a correct opinion of the progress of education and the condition of the schools of the state. These duties are required in the draught now presented, to be performed by the trustees of the several district schools and by the secretary of state, who is *ex-officio* constituted superintendent of common schools. In addition to these, the secretary of state is required to perform other duties; such as causing inspection of the different schools, and the adjustment of disputes arising among the trustees, or commissioners of common schools, respecting the discharge of their respective offices. From the creation of this supervisory power, and the information which the Legislature will annually derive from the reports of the superintendent, much good may be reasonably anticipated. So far as the office of superintendent of common schools, as proposed, is concerned, it is identical with the same office in New York and Pennsylvania, and with that of the secretary of the Board of Education in Massachusetts.

In regard to the distribution of the school fund, the system prevailing in nearly all the eastern states, has been adopted. With scarce an exception in those states, it is provided, that when a county, or town, fails to raise by taxation a specified sum for the support of common schools, that such county, or town, is deprived of all part of the fund furnished by the state. This feature has been found to be of the utmost importance, and to act powerfully in behalf of the cause of education. The inhabitants of counties, or towns, who from a culpable neglect of the best interests of society, are unwilling to subject themselves to taxation for the education of the poor, are thus reminded, that unless they will bear a portion of the burden, they will not be allowed to enjoy any portion of the fund which the patriotic munificence of the state has created for this purpose.

In many towns where previously to the incorporation of this feature into their system, there existed but feeble provision for the education of the young, now, with the aid

of the fund derivable from the tax imposed upon their inhabitants, are maintained to their great advantage and that of the community at large, schools in which their youth may receive instruction fitting them for the discharge of the duties of after life. Although some of the counties of this state have wholly failed to contribute to the support of education, it is yet hoped and believed, that if this provision be adopted, they will emulate the example of their sister counties, and rather than to be deprived altogether of the benefits of education among the more indigent of their population, cheerfully consent to the imposition of such taxes, as will place them in the same position with the others. At all events, it is the duty of the Legislature to see that the population of the state be educated, and if in its judgment some such provision as this be indispensable to such an end, it is not to be presumed, there will be any hesitancy on its part, in the adoption of it.

It will be perceived that in the accompanying draught, alteration is proposed as to the manner of distribution of the fund known as the "fund for academies, colleges and schools." Under existing laws, of this fund, the sum of three thousand dollars is annually paid to the Trustees of St. John's College at Annapolis, and that of eight hundred dollars to each of the counties for the support of academies. So far as the donation to St. John's College is concerned, no change is proposed; and indeed it may be well doubted whether the Legislature has the power to effect a change, even were any desirable. None however is proposed. So too with that part of the fund which is distributed to St. Mary's and Charles counties. The amount annually paid to these two counties is jointly contributed, with the consent of their local authorities, and with the seeming approval of the people, to the aid of a most excellent academy at Charlotte Hall. It was deemed best to allow of the continuance of this appropriation, inasmuch as it secures to that section of the State, an institution of character and usefulness. As regards that portion of the fund which is distributed to the other counties of the state, in view of its inefficiency under the present system, it has been thought advisable

to incorporate it with the common school fund, to be distributed to the several counties, with the exceptions mentioned, for the support of common schools. By this arrangement, each county will receive a sum fully equal to what it does now, and be enabled to maintain in greater vigour, schools in their several districts. Under the existing plan, it may be truly said, that in most of the counties this fund is absolutely wasted. It not being large enough to sustain at convenient points a sufficient number of academies for the use of the several counties, the policy has been very generally adopted, to sub-divide it into small sums and to distribute them to various institutions established by individual and private enterprise. These institutions having but little aid other than this pittance, are for the most part, unable to render any extended or substantial service to the community in which they are located; and it so happens, that their feebleness often serves as an inducement to parents and guardians, to send their children and wards to some institution established on a larger scale beyond the limits of their county, if not to one beyond those of their state. By the proposed system this state of things will be wholly changed; and it is believed that the alteration, whilst it will enable the inhabitants of each district to establish a good school, at the same time, will give them the means of ensuring its permanence, and the consequent benefit of the neighborhood. For these reasons this change has been recommended.

Having ascertained from correspondence with intelligent gentlemen in the several counties, that in many instances, the teachers selected for the different primary schools, were wholly unfitted in point of education and moral character for the faithful discharge of their duties, and concurring fully in the sentiment expressed by a distinguished citizen, "that a bad school-master is a scourge to a community," care has been taken in the preparation of the code, to provide for the due examination of their qualifications before they be chosen to take charge of a school. It will be seen, that it is made the duty of the inspectors of common schools in each of the counties, to examine the qualifications of all applicants for the appointment of teachers; and that this examination shall extend to the as-

certainment of their moral character, learning and ability.* It is also provided, that the inspectors shall certify to the trustees of the different schools the result of their investigations; and they are empowered, at any time they may think proper, to cause any of the accepted and acting teachers of their county, to undergo examination again.

These provisions, with those which make it the duty of the inspectors to visit the different schools and carefully inquire into their condition as regards the progress of the scholars in learning, and the good order of the schools, give some assurance, if faithfully executed, that the present order of things will be decidedly improved.

It will be observed that no compensation is allowed to the inspectors, or to some of the other officers. This was done, because it was judged best to suffer this matter to rest with the Legislature. But in doing so, the undersigned do not wish to be understood as favouring the proposition, that no allowance should be made: on the contrary, it is a decided conviction with them that each and all of those of whom services are required, should be compensated for their time and trouble. This opinion is founded not only upon the just rule, that all should be paid for their services, but receives strength from the circumstance, that unless they are, as experience has demonstrated, they will take but little if any interest in the proper discharge of their duties. It is worse than useless to prescribe duties if they be not performed; and if their performance depends upon the fact whether or no those charged with it are compensated, there should be, it would seem, but one course of policy to be pursued,—that of awarding compensation for services rendered.

The city of Baltimore having, with a spirit highly honourable to its patriotism and liberality, established a number of efficient schools for the education of the young; and having also

* "The best plans of instruction cannot be executed but by good teachers, and the state has done nothing for Popular Education, if it does not watch that those who devote themselves to teaching, be well prepared; then suitably placed, encouraged and guided in the duty of continued self-improvement, and lastly, rewarded and promoted in proportion to their advancement, and punished according to their faults."—*Cousin*.

provided for their superintendence by a board of "Commissioners of Public Schools," it has been thought best not to suggest any change in the system by which they are supported and governed. But, that the superintendent of common schools may be able to submit to the Legislature full information of the progress of education in the *whole* state, it has been required of the commissioners of public schools of that city, annually to report to him the information which it is made the duty of the trustees and commissioners of common schools to furnish.

The undersigned did not feel it to be their duty at this time, to prepare a plan for the discipline to be observed in the several schools. They preferred to await the decision of the Legislature upon the merits of the code now submitted, and if that decision should be approbatory, to submit at a future day, a supplemental report in which they would detail with particularity the books to be used; the hours during which the schools should be kept open, together with all the minutiae which constitute the regulations of a properly organized school.

The undersigned deemed it necessary to make the foregoing observations in explanation of the plan they have prepared. Upon the subject of education generally, they do not consider it essential that they should indulge in any very extended remarks, inasmuch as its importance seems to be admitted by all. They nevertheless beg to submit a few facts gleaned from the statistics of the country, which are full of instruction, and which will serve to bring in the most forcible manner to the mind of all entrusted with the management of public affairs, the heavy responsibility resting upon them to aid by all proper means in the establishment of a proper system of public instruction.

The following table carefully prepared from the last census, exhibits the condition of colleges, academies and primary schools, and also, the number of white persons in this State over the age of twenty, who cannot read and write:—

NAMES OF COUNTIES.	Universities or Colleges.	Number of Students.	Academies and Grammar Schools.	Number of Scholars.	Primary and Common Schools.	Number of Scholars.	Number of Scholars at public charge.	Number of White persons over 20 years of age who cannot read and write.
Allegany, . . .	..	..	1	65	29	802	227	589
Anne Arundel, . . .	1	35	13	242	32	1,018	1,180	949
Baltimore, . . .	4	395	61	2,372	94	3,043	1,082	2,405
Calvert, . . .	..	..	5	58	8	175	105	487
Carroll, . . .	..	..	2	39	14	331	..	337
Caroline, . . .	..	..	1	..	23	444	164	455
Cecil, . . .	..	..	3	107	29	824	126	249
Charles, . . .	..	..	..	..	25	647	248	56
Dorchester, . . .	..	..	2	106	26	579	275	1,045
Frederick, . . .	2	283	4	233	61	2,291	782	887
Harford, . . .	1	..	5	163	38	945	315	44
Kent, . . .	3	80	1	18	14	474	237	199
Montgomery, . . .	..	..	9	283	15	383	266	426
Prince George's, . . .	..	..	4	42	12	253	216	367
Queen Anne's, . . .	..	..	6	96	12	384	126	371
Somerset, . . .	1	20	2	26	23	614	291	561
St. Mary's, . . .	..	..	4	54	12	351	191	661
Talbot, . . .	..	..	4	78	21	870	479	443
Washington, . . .	..	..	2	95	53	1,823	171	721
Worcester, . . .	..	..	4	212	24	600	144	565
Total in Md.	12	813	133	4,289	565	16,851	6,624	11,817
<i>Principal Towns.</i>								
Annapolis, . . .	1	35	5	97	3	181	179	44
Baltimore, . . .	4	395	50	2,044	63	2,394	1,007	1,191
Cumberland, . . .	..	..	1	65	8	270	42	3
Fredericktown, . . .	..	..	2	168	10	356	124	4
Hagerstown, . . .	..	..	2	95	13	608	40	130

It will be at once remarked, that this table in giving the number of students and scholars in attendance upon the several colleges, academies and schools, does not give in every instance, nor perhaps in any one, the true number. Nor is it offered as exhibiting the precise condition of those institutions, but simply as a proximate to it,—the only one indeed, (owing to our defective system,) which now can be furnished. With the view of enabling the Legislature to see the actual condition of the primary schools, letters were addressed to the persons having charge of them in the several counties, asking that they would furnish answers to certain queries propounded.

Some of them paid no attention whatever to the request. The information obtained from the others, will be found in a convenient form in the appendix to this report.

A glance at the table discovers the discreditable fact, that there are 11,817 white persons within our state over the age of twenty, who cannot read and write! Great as is this proportion of the adult population of the state, it is, we have reason to believe, much less than the actual number. The same causes which operated against the procurement of precise information on the part of the census-takers as respects the number of scholars in attendance at the different seminaries and schools, did so against their ascertainment of the number of those who could not read and write, and in addition to these obstacles, they had to encounter another of more potency.

The indisposition, common to most persons, to acknowledge when they are not forced to do so, their ignorance of the mere rudiments of their vernacular tongue, must have interfered materially with the discharge of the duties of the census-takers, and diminished very considerably in their return, the number who were so situated. It is therefore but a reasonable calculation—taking into consideration these facts, to assume that there are at least one-third more than as stated in the census, who cannot read and write. Making this allowance, the whole number of white persons within the state of Maryland over twenty years of age, who cannot read and write, is 15,754. It may be safely assumed, that of the number who can read and write, that at least one-third of them do so imperfectly, and that the information they have in these respects is of a very limited character.

In answer to a number of questions put to the intelligent and gentlemanly clerk of the Directory of the Maryland Penitentiary, as to the number of convicts within that institution, and the character of the education they have received, he observes, “of those who claim to be able to read and write, the latter qualification in the great mass of cases does not amount to more than the simple mechanical power of connecting rudely formed letters. In a consultation I have had with the warden, we have not been able to select more than thirty-four who can

indite intelligible sentences; and from this fact an estimate may be formed of the character for information generally, of those who can read and write." The whole number of white males in that institution is 169, of which, 104 say they can both read and write.* Now if the estimate of the clerk be correct; more than two-thirds of those who profess to be able to read and write, are unable to do the latter in any sense other than rudely to form letters, and put them together without regard to the rules of orthography, or indeed of any of the other rules of grammar. The same ratio may not hold good among the population of the state generally, but certainly there are at least one-third of those who profess to be able to read and write who do the latter in the imperfect manner described. But if we discard these calculations altogether, and take the number of 15,754 as the representative of the proper proportion of the white population of the state over twenty years of age who cannot read and write, we discover abundant reason why the authorities of the state should employ all legitimate means to improve the condition of public education.

The population of Maryland is composed about equally of males and females: adopting this ratio, we then ascertain that there are 7,877 white males over the age of twenty years who cannot read and write. The whole vote polled in this state at the presidential election of 1840—when it is fair to presume that either the zeal of politicians or considerations of public good drew to the ballot box all who could possibly reach it,—was 62,380. From the facts already disclosed, we learn that of this number one-eighth part of them could not read and write; and when we consider the majority which the successful can-

* From the fourteenth annual report of the inspectors of the Eastern State Penitentiary of Pennsylvania, it is ascertained that the number of the convicts who could not read and write, is in a greater proportion to the whole number than in the Maryland Penitentiary. On page 14 of the report will be found the following:

<i>Education.</i>		<i>Habits.</i>	
Read and write,	785	Drank and got drunk,	1082
Read only,	362	Temperate drinkers,	253
Could not read or write, . .	455	Sober,	277
		Uncertain,	10
	1622		1622

didate received was but little more than one-half of this proportion, who is prepared to say that the permanent good of society is not likely to suffer from the decision of such disqualified persons? "A republican government," to use the language of one who has given great attention to the cause of education and lent to its prosecution the energies of a vigorous mind, "is the visible manifestation of the people's invisible soul. Through the ballot-box the latent will burst out into authoritative action. In a republican government the ballot-box is the urn of fate; yet no god shakes the bowl or presides over the lot. If the ballot-box is open to wisdom and patriotism and humanity; it is equally open to ignorance and treachery, to pride and envy, to contempt for the poor or hostility towards the rich. It is the loosest filter ever devised to strain out impurities. It gives equal ingress to whatever comes. No masses of selfishness or fraud, no foul aggregations of cupidity or profligacy, are so ponderous or bulky as to meet obstruction in its capacious gorge. The criteria of a right to vote respect citizenship, age, residence, tax, and in a few cases, property; but no inquiry can be put whether the applicant is a Cato or a Catiline. To secure fidelity in the discharge of their duties, an oath is imposed on the most unimportant officers,—constables, clerks, surveyors of roads, of lumber, leather, fish,—while the just exercise of this highest function of the citizen, by which law makers, law expounders, and executive officers are alike created, is secured by no civil sanction. In all business transactions, especially where any doubt or distrust attaches to character, we reduce our stipulations to writing; but in conferring the right to vote, we take no promise beforehand that it shall be honestly exercised, nor do we reserve to ourselves any right of subsequent redress, should the privilege be abused."

In this country where man professes to have reclaimed his rights as a political being, and to occupy the position which a beneficent Creator designed he should, the first great duty of those who are invested with authority is, manifestly, that of seeing that he is qualified for the proper and just discharge of the heavy responsibilities devolved upon him by his political

condition. How is this to be done? The only way in which he can be fitted for so high an office is, (apart from domestic culture,) that of public instruction, and this, as experience has shown, can only be afforded through the medium of a properly organized system of common schools.*

It cannot be presumed, even for an instant, that a majority of the people of Maryland can be indifferent as to the intellectual condition of their descendants, or of that security and rational liberty which are the sure result of information and morality among a people; nor will it be surmised, that their representatives from wrong conceptions of the temper of their constituents, are indisposed to such efforts as are essential to the attainment of the public good by the education of the rising generation. Their obligations to the people in this regard, are too obvious for them to hope to escape their discharge by any sordid calculation founded on the supposed avarice and stupidity of those by whom they are deputed to act. The people as a whole, are fondly devoted to social order, to personal security, and ardently desire the perpetuity of their political institutions, and they are sufficiently well-advised to be able to fully comprehend, that there is no security for either, unless the mass be taught to distinguish between that rational and orderly liberty which seeks the preservation of civil and personal rights; and, that wild and clamorous licentiousness which, on some imperfect view of the present order of things, desires its change without stopping to estimate its ruinous cost. This being their opinion, so far from discouraging the efforts of their representatives to educate the young, they are ready to cheer them on in the good work. Let there then be no hesitancy, no equivocation, but spirited and direct action on the part of their representatives, and all will be well.†

* Sow the seeds of usefulness in the spring-time of life, and they *will* germinate, they *will* grow, and they *will* give the increase. Teach the young to provide for themselves, and you qualify them to be useful to others.—
JUDGE BUEL.

† That the best preventive of crime is the general education of the people, is demonstrable by the statistics of the world. From an excellent report made to the New York House of Assembly by Mr. Hubbard, the following is extracted :

One great impediment in the way of the sudden growth of public schools, is that sickly sentimentality that is born of ignorance and pride. There are those who, unable to estimate

"The reports of the Prison Discipline Society contain some striking facts, showing how intimately crime and ignorance are allied. Mr. Pillsbury, keeper of the Connecticut state prison at Weathersfield, says, 'No convict has ever been in this prison who was liberally educated; and the proportion of those who can read and write is but eight in one hundred.' At Sing-Sing, only fifty out of eight hundred and fifty-two convicts had received anything like an education. In the new penitentiary, in Philadelphia, of two hundred and seventeen prisoners received in 1835, sixty-three could neither read nor write, sixty could read only, and eighty-five could read and write very indifferently. Of the prisoners in the jails of London in 1836, '37, '38, but nine in one hundred could read and write, and not one in a hundred had ever been carefully taught his moral and religious duties. Out of nine hundred and ninety-five convicts in the jails of Lancaster, England, but seven were familiar with the Scriptures. Sir Richard Phillips, Sheriff of London, says, that in a memorial addressed to the sheriffs by one hundred and fifty-two criminals in Newgate, twenty-five only signed their names in a fair hand, twenty-six in an illegible scrawl, one hundred and one were *marksmen*. Few could read with facility; more than half could not read at all; most of them thought books useless. The chaplain of the Ohio Penitentiary remarks: 'Not only in our prison but in others, depraved appetites and corrupt habits, which have led to the commission of crime, are usually found with the *ignorant, uninformed*, and duller part of mankind. Of two hundred and seventy-six prisoners, nearly all below mediocrity, one hundred and seventy-five are grossly ignorant, and in point of education, scarcely capable of transacting the ordinary business of life.'

"On the other hand, in Prussia, after the school system, perfected in 1819, had been in operation fourteen years, while the population of the kingdom had increased three per cent., the proportion of paupers and criminals had decreased thirty-eight per cent. Out of more than three thousand children of the poorest class in London, taught in the Gowerwalk school, *not one has ever been convicted* of an offence against the laws of the country. It appears by the census of 1840, out of 2,420,921 population of this state, were 43,705 whites, or one in fifty-six, of the age of twenty years and upwards, who can neither read nor write; as often as one of the 2,377,216, becomes an inmate of the state prison, three of the 43,705 accompany him. The committee might institute comparisons between Massachusetts, with her 737,699 inhabitants, of which only one to every one hundred and sixty-six over twenty years of age cannot read or write, and Mississippi with her 375,651 population, of which one to every twenty, over twenty years of age, can neither read nor write; or between the United States with her population of 17,062,566, of which number over twenty years of age are only 584,457 who are unable to read and write, and Great Britain with her 24,000,000 of ignorant pauper population; but we forbear. All history demonstrates that the pre-

the value of a cultivated mind, think it a mark of reproach to send their children to the common schools,* and although such

vention of pauperism and crime is much less expensive than the relief of the one class and the punishment of the other.

"Every prisoner committed to the castle is minutely examined by me as to his moral and religious knowledge, habits, &c.; the result of the examinations shows a very remarkable correspondence between ignorance and crime. I have been long employed in parochial duties, and I find a striking difference between the knowledge of the poorer classes thus brought under my review, and the prisoners committed to the castle. That ignorance is productive of crime I have ever been convinced; but nothing can so fully confirm that conviction as an intimate knowledge of the inmates of a prison. From January, 1825, to March, 1826, four hundred prisoners came under my examination; of these, one hundred and seventy-three could neither read nor write; twenty-eight merely knew the alphabet; forty-nine could read very imperfectly, so as not to be able to obtain any information by it; thirty-seven could read only; and 99 could read and write.

* * * * * A boy has been discharged this day after a confinement of six weeks; I found him at his admission distressingly ignorant. He had no idea of God, or of another world. He had heard of heaven and hell in profane conversation, but knew not the meaning of these awful words.—*Statement of Rev. James Brown, chaplain of Norwich Castle, Norfolk, England.*

"The Rev. B. C. Smith, formerly superintendent of the Sabbath school, and afterward chaplain of the prison at Auburn, in a report made to the Sabbath School Union of Cayuga county, Aug. 8, 1827, of the state of the Sabbath school in the prison, says: "In the case of these convicts, we found fresh testimony to the truth of the common remark, that ignorance and vice are closely allied. By far the greater number of those received into the school have been found incapable of reading intelligibly in common reading, and not a few unable to tell one letter from another."

"The Rev. Gerrish Barrett, chaplain of the prison at Sing-Sing, under date of May 23, 1828, says: "The number of convicts here is about *five hundred and twenty*. When there were four hundred, I found fifty among them who could not read."

"Evidence on this point might be multiplied to an indefinite extent, but what has been said, will, it is hoped, be sufficient to overcome the most stubborn scepticism. If the annual expense could be ascertained, to which the state is put in the punishment of crime committed by persons who have not received a proper education, it doubtless would be discovered that the amount exceeds by far, that which would serve to establish a proper system of schools, which, as shown, is after all one of the surest preventives of crime."

* "If," nobly and patriotically said Daniel Webster, "*I had as many sons as old Priam, I would send them all to public schools.*"

"It does the children of higher families good, to sit on a level with the children of the lower, and if it must be so, to be surpassed by them. It makes

if deprived of the conventional influence which wealth too often gives to the opinions of its possessor, would be deemed of no importance, yet the straining after aristocratical distinctions in society which unfortunately too often characterizes the aspirations of a portion of the community, enables them to give a direction to publick judgment that is wholly wrong and pernicious. It should be the labour of all, who are really and sincerely the friends of education, to destroy the baneful effects of such examples, by inspiring, as far as possible, the people with a profound regard for that system which alone can sub-

them respect merit, delivers them of their impractical conceits, and inspires them with a sense of justice. It is a great advantage also to know society. Hence the child who is brought up exclusively in a private school, and especially a boy, is not thoroughly educated. He does not know the people, and is not qualified to act his part among them. Their feelings, prejudices, tastes, deficiencies, are all unknown to him. His knowledge is more exquisite than the world is, and his character is practically unamericanized. Going into life as a statesman, or a lawyer, or in almost any other capacity, he will go under a decided disadvantage. How small a thing is it, indeed, to teach children the names of mountains and rivers, and other things equally distant from them, when they do not really know their own neighbors and countrymen."

"The more is this to be regretted when the knowledge of their fellow-citizens, in lower walks of life, would so much diminish their distance from them, and breed in their hearts, a feeling of citizenship, as well of humanity, so much enlarged; for man is man, whether high or low, and it will always be found, however much we magnify the distinctions of society, that his actions and feelings do, after all, spring from his manhood more than from his condition. A knowledge of the high is a knowledge of many infirmities together with many traits of fellow-feeling, that pride never could suppress. A knowledge of the low, a knowledge also of many noble and fine qualities, together with some vulgar prejudices. There is ever more distinction in the outward show of ranks than there is within; for when the two come really to feel and weigh each other, it is not the rich knowing the poor, or the poor the rich, but it is the man knowing the man, and both together knowing themselves to be allied by nature to the same God, as they are citizens of the same country. How fine a picture of society might we hope to realize, through the medium of a perfect system of publick education. What an elevation of manners, in the whole people, what respectfulness to merit in all grades of life, what a friendly understanding, without jealousy of precedence or character. Gathering round the youth, with a common interest, we should share a common pride in their ingenuous efforts at improvement. Our streets would revere the dignity of intelligence and character. Our houses would be abodes of thrift and self-respect, and virtuous happiness."—*Report of Horace Bushnell on the Schools of Hartford, Ct.*

serve the great purpose of national education. A true friend of the progress of man, a great and good man,* has no less nobly than eloquently proclaimed in behalf of the friends of common schools that they "utterly repudiate, as unworthy, not of freemen only, but of men, the narrow notion, that there is to be an education for the poor as such. Has God," inquires he, "provided for the poor a coarser earth, a thinner air, a paler sky? Does not the glorious sun pour down his golden flood as cheerily upon the poor man's hovel, as upon the rich man's palace? Have not the cotter's children as keen a sense of all the freshness, verdure, fragrance, melody, and beauty of luxuriant nature as the pale sons of kings? Or is it on the mind that God has stamped the imprint of a baser birth, so that the poor man's child knows, with an inborn certainty, that his lot is to crawl, not climb?"

"It is not so. God has not done it. Mind is immortal. Mind is imperial. It bears no mark of high or low, of rich or poor. It heeds no bound of time or place, of rank or circumstance. It asks but freedom. It requires but light. It is heaven-born, and it aspires to heaven. Weakness does not enfeeble it. Poverty cannot repress it. Difficulties do but stimulate its vigor. And the poor tallow-chandler's son, that sits up all night to read the book which an apprentice lends him, lest the master's eye should miss it in the morning, shall stand and treat with kings, shall add new provinces to the domain of science, shall bind the lightning with a hempen cord, and bring it harmless from the skies. The common school is *common*, not as inferior, not as the school for poor men's children, but as the light and air are common. It ought to be the best school, because it is the first school; and in all good works the beginning is one half. Who does not know the value to a community of a plentiful supply of the pure element of water? And infinitely more than this is the instruction of the common school; *for it is the fountain at which the mind drinks, and is refreshed and strengthened for its career of usefulness and glory.*"

If those whose duty it is to be foremost in good works, but

* Bishop Doane.

exert themselves as they should, the blind prejudice to which allusion has been made, will be removed without much difficulty. And if one-thousandth part of the zeal that is brought to bear upon the decision of the comparatively trifling and unimportant topics which so frequently agitate the politicians of our villages and cities, be but properly directed, there will be established firmly in the public mind, a partiality for common schools which cannot easily be overcome. Let therefore the representatives of the people take the lead in the great struggle that is sooner or later to be made in favour of universal education. Let it be their pride to give the proper tone to public sentiment, and let them above all things, and at all times remember, that by providing efficiently for the moral and intellectual improvement of their countrymen, they give a surer support to republican institutions, to the good order of society, and to the enjoyment of rational liberty, than by the successful advocacy of any, or of all, of the thousand and one other questions of the day. For it is wilful blindness not to perceive that the social, as well as the political condition of a people, mainly, if not altogether, depends upon the culture they have received.

Man as such, has not, as his history shows, been so much distinguished from the rest of animated nature by his *form*, as by the god-like attribute of *mind* with which the Almighty has endowed him. It is the capacity to think, to reason, and to arrive at correct conclusions, that gives him the impress of superiority. Apart from this,—what is he but “gilded loam or painted clay?” If the powers of his soul be not improved and strengthened by the teachings of wisdom and morality, he is but little removed from the brute creation. Wherein is the savage of the western wilds mostly distinguished from the denizen of our largest cities? Is it in his form, his strength, agility, or his ability longer to endure heat, or cold, or fatigue? No; although these, to some extent, separate him from the category in which the other is placed, yet it is not these qualities that unfit him for civilized life, for the enjoyment of social order, or for the comforts and pleasures of the domestic circle. No, no, it is not in these, but the darkness in which his soul

is shrouded. Envelope this immortal spark in gloom, and man is indeed a savage. Quickened it into moral activity, and he is but less than a god. Just in proportion then as his moral faculties be improved and invigorated, is he qualified for the faithful performance of the high and holy duties which his nature imposes. This being the case, and it being universally conceded that republicanism can subsist only upon the intelligence and virtue of the people, it is therefore but "sound and fury signifying nothing," to talk of the perpetuation of the blessings of liberty where ignorance and vice are allowed luxuriantly to grow. As well might it be expected of a vessel without rudder, sails, or compass, to withstand the storms that at times with resistless fury sweep across the ocean's trackless waste, as to hope that liberty can exist when immorality and ignorance sit within its temple, and their concomitants, licentiousness and turbulent passion, are its only guards without. In this country, where the execution of the laws, and indeed the security of property and of life, depend so much upon the temper of the people, who in fact hold and exercise sovereignty, what guaranty can there be of either, if the strong be restrained by no sense of right, or if ignorance and corruption be not awed by the all pervading influence of knowledge and virtue? What

" — rein can hold licentious wickedness,
When down the hill he holds his fierce career?"

Of what avail are parchment constitutions, if those who give official being to executive and judge are themselves too ignorant to estimate aright their purpose? They are but a mockery when publick virtue is no more; for publick virtue and intelligence alone impart to them their vigour and usefulness. The greater portion of the people are cognizant of this, and are therefore anxiously alive to the importance of any effort that promises their encouragement and growth. They are, and ever have been, willing to aid in every proper mode, all such enterprizes. They view the cause of education as of this character, and in its fartherance, if necessary,

Service shall with steeled sinews toil;
And labour shall refresh itself with hope."

With full consciousness of the difficulty of the task confided to them, the undersigned undertook its performance, and if they shall have contributed anything towards the fartherance of the holy cause to which their labours have been directed, they will be more than compensated for the time and attention they have given it. They now submit the result of those labours for the consideration of the honourable the members of the General Assembly.

JOHN C. LE GRAND, *Secretary of State.*

J. S. OWENS, *Treasurer of W. Shore.*

JOHN H. T. MAGRUDER, *State Librarian.*

APPENDIX.

ANNE ARUNDEL COUNTY.

There are twenty-eight primary school districts in this county, of which number twenty-two are in operation. The cost of school houses about \$300 each. There are twenty-three teachers employed. The lowest sum paid to any teacher is \$200; the highest \$500; the gross amount of salary paid to all the teachers is \$7,065. The schools are kept open in the county from 9 A. M. till 4 o'clock P. M. The schools in the city of Annapolis are kept open from 9 to 1, and from 2 to 5 o'clock in the afternoon. The number of scholars in all the schools is five hundred and twenty-five. The amount levied by the county for the support of primary schools is \$2,400. The sum levied by the several districts, (what is called the district tax,) amounts to \$3,005.62. The amount received from the state for the year ending 1842, was \$2,167.82.

HOWARD DISTRICT.

There are twenty primary schools in this district. The cost of the buildings in which the schools are held, would average \$200 each. There are twenty teachers, with an average salary of \$300 each. The schools are kept open on an average of nine hours. The average number of scholars in attendance on all the schools is five hundred and twenty-six. The amount levied by the district is \$1,800; that received from the state is \$1,500.

ALLEGANY COUNTY.

There are eighty-eight *common* schools in this county. The supposed cost of the houses in which the schools are held is \$25. The teachers of eighty-two of the schools receive from the state \$50 each, and those of the six other schools \$25 each. In addition to this the teachers charge \$2 per quarter for each scholar, which is paid by the parents. The schools are generally opened at 9 o'clock in the morning, and closed at 12 o'clock A. M. and opened again at 2 o'clock P. M. and closed again

at 4 1-2 P. M. each day. The average number of scholars in attendance upon each school is about twenty. There is no levy made by the county for the support of schools; the amount received from the state is about \$1,000.

CAROLINE COUNTY.

In this county there are twenty-four common schools. The average number of scholars in attendance upon each is twelve. The amount received from the state is about \$3,441. The county makes no levy for the support of schools; but the trustees of the several schools in the upper election district, after receiving their part of the funds from the orphans court as assessed, are authorised by the act of Assembly of 1841, chap. 187, to levy on the assessable property in that election district, such sum as may be sufficient to support their respective schools, &c.

CHARLES COUNTY.

There are twenty-nine primary schools in this county. The average cost of the buildings in which the schools are held is \$300. There are twenty-nine teachers with salaries averaging from \$200 to \$450 each. The schools are kept open about eight hours per day. The county is by law required to levy \$3,000 annually upon the property within its limits. The amount annually received from the state is about \$3,200. There are taught annually in the common schools of this county between seven and eight hundred scholars.

CECIL COUNTY.

There are no primary schools in this county. One-third of the schools are kept in private houses and in churches. The cost of houses built expressly for schools, cost on an average \$75, and are built by subscription. There are about forty teachers in the county, who receive from \$2.50 to \$3 per quarter for each scholar. The county makes no levy for the support of schools. The amount received from the state is about \$3,000 per annum. This fund is paid to the orphans court, and by it distributed to the several election districts.

CALVERT COUNTY.

No information from this county.

BALTIMORE COUNTY.

No information from this county.

CARROLL COUNTY.

No information from this county.

DORCHESTER COUNTY.

There are forty-four primary schools in this county. They are generally held in churches and private buildings, erected prior to the adoption of the primary school system in the county. Where houses have been erected, the cost has been from \$150 to \$200 each. There are usually about forty-four teachers in the county, independently of those engaged in the three academies in the county. The sum paid to teachers is from \$150 to \$200; and where there is a good teacher the parents by subscription increase the allowance of the county. As to the number of hours the schools are kept open, our informant says, "no mortal man can answer the inquiry. It is intended they should be open in the forenoon from 8 to 12, and in the afternoon from 2 to 5 o'clock; but in some of the districts, I am informed they are not open over two hours in the day, and in several of the schools not over one or two days in the week, yet they (the teachers) receive their draft and obtain their money." Some of the schools have in attendance forty scholars, others ten, average about twenty. The amount levied upon the county is \$4,000.00; that received from the state about \$3,000. The clerk of the commissioners of the county speaking of the want of qualification on the part of some of the teachers observes, "I have receipts from some (of them) that a Philadelphia lawyer could not read."

FREDERICK COUNTY.

There are eighty school districts in this county. The cost of school houses from \$450 to \$800; the two buildings in Frederick city cost—the one \$1,400—the other \$1,700. There are seventy-four teachers in the county who receive from \$60 to \$100 per annum each. The schools are kept open from six to seven hours per day. The number of scholars in the schools is from two thousand five hundred to three thousand. The total number of scholars in the county is estimated at nine thousand. The amount received from the state was, in 1841, \$2,840.57, in 1842, \$2,314.95. Amount levied by county has been heretofore \$8,000.

MONTGOMERY COUNTY.

This county makes no levy for the support of schools. No information touching the disposition which is made of the fund received from the state.

PRINCE GEORGE'S COUNTY.

There are thirty-one primary schools in this county. The cost of building each school house was \$300. There are thirty-one teachers and they each receive \$350 per annum. The schools are kept open from seven to eight hours per day. The number of scholars in attendance on the schools each day is about nine hundred. The county levied the sum of \$10,850 for the support of schools.

QUEEN ANN'S COUNTY.

There are twenty-seven school districts in this county, and schools in all but three of the districts. The average cost of the school houses is \$250. The number of teachers employed is twenty-four, with an average pay of \$300 each. The schools will average about twenty-five scholars. The precise amount levied upon the county for the support of schools is not known. The trustees of each school district employ their teacher, and raise a sum by levy upon their district, or by voluntary contributions sufficient with the amount they derive from the state to pay the teacher. The amount received from the state is about \$2,800 per annum.

SOMERSET COUNTY.

There are about forty primary schools in this county. The school houses have heretofore been provided by individual subscription. The pay of teachers is four cents per day for each scholar in attendance. No levy by the county. The amount received from the state in 1841, was \$3,046.94, in 1842, \$2,939.70.

ST. MARY'S COUNTY.

There are twenty primary schools in this county, and twenty teachers, who get a proportionable share of the school fund coming from the state which is about \$2,600 per annum, giving to each teacher out of this fund \$130; the balance is a matter of arrangement with the trustees and is raised by private subscription. The average amount is about \$300 per annum to each teacher.

WORCESTER COUNTY.

This county is laid off into fifty school districts. There is usually about forty schools in operation, the school houses, including a half acre of ground, cost \$85. The board of primary education allow teachers seventy cents per month for the tuition of charity scholars for the time they are at school, allowing twenty days to the month. The number of

charity scholars in the county are from three to four hundred; these, together with the scholars whose parents are able to pay the price of tuition, ensure to the teachers from \$100 to \$200 annually. There is no levy in this county for the support of common schools.

KENT, TALBOT, HARFORD AND WASHINGTON COUNTIES.

No information has been received from either of these counties.

MARYLAND PENITENTIARY,

Baltimore, 24th July, 1843.

HON. JOHN C. LE GRAND:—

Dear sir,—Your letter of the 18th inst., proposing various inquiries in relation to the convicts in the Penitentiary was duly received, and should have been answered earlier, had all the information that you seek been immediately accessible. On the reception of convicts a record is made of their qualifications in respect to reading, &c., but it does not extend to those of their parents also; and it was therefore necessary to question them on that point. For this purpose the most favorable opportunity is afforded on Sunday, whilst the convicts are in the cells, and the examination was accordingly delayed until yesterday.

Presuming that you did not design that the inquiries should apply to the colored convicts, the whites only were questioned. The whole of the colored convicts, it may be assumed, are unable to read, or if there are any exceptions, these are incidental.

The number of convicts at present in the Penitentiary is . . .	295
Of whom there are White Males	169
Do. Females	2
	—171
Colored Males	101
Do. Females	23
	—124
	—295

Of the White Males—

- 104 say that they can read and write.
- 39 “ that they can read but not write.
- 26 “ that they can neither read nor write.

Of the same—

126 say that their parents could read and write.

6 “ that their parents could read but not write.

37 “ that their parents could neither read nor write.

Of the 2 White Females—

1 can read but not write.

1 can neither read nor write.

Of the same—

The parents of one could read and write.

“ of the other could neither read nor write.

The statements made by the convicts on the general subject, as it is needless to remark, should be received with much qualification, and particularly in reference to the parents—there being a natural disposition to exaggerate in favour of the latter.

Of those who claim to be able to read and write, the latter qualification in the great mass of the cases does not amount to more than the simple mechanical power of connecting rudely formed letters. In a consultation that I have had with the warden, we have not been able to select more than thirty-four who can indite intelligible sentences; and from this fact an estimate may be formed of “the character for information generally, of those who can read and write.” In general the ability, however acquired, exists in a degree so imperfect that its exercise alone is one of *effort*, affording evidence that it had not been exerted as a means of intellectual improvement.

If the answers thus given are not sufficiently full, it will afford me pleasure to endeavour to supply any deficiencies.

Very respectfully, yours, &c. &c.,

JAMES McEVOY.

A N A C T

FOR THE BETTER EDUCATION OF THE YOUTH OF THE
STATE BY MEANS OF COMMON SCHOOLS.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That from and after the first day of January, in the year eighteen hundred and forty-five, the secretary of state shall be superintendent of the common schools of this state, and shall possess the following powers, and perform the following duties:

1st. He shall submit an annual report to the Legislature which shall exhibit the condition of the common schools of the state; plans for their improvement and arrangement, and all such other matters relating to his office, and to the common schools, as he shall deem expedient to communicate.

2nd. He shall prepare suitable blank forms, with necessary instructions for making district reports, and for conducting the necessary proceedings under his jurisdiction; and he shall cause the same, together with all such information as he may deem necessary for the further improvement of the schools, to be transmitted to the commissioners of the several counties, for distribution among the several boards of trustees, at the same time and in the same man-

ner as the laws and public documents of the state are now transmitted, and at such other times, and in such other manner, as he may deem expedient.

3rd. He may designate and appoint any one to be employed by him to be his general deputy, who may perform all the duties of the superintendent in case of his absence, or a vacancy in his office: he may also appoint such and so many persons as he shall from time to time deem necessary, to visit and examine into the condition of the common schools in the county where such persons may reside, and to report to him on all such matters relating to the condition of such schools, and the means of improving them; but no allowance or compensation shall be made to the said visiters for such services, other than what shall hereafter be allowed by law.

4th. He shall sign all orders on the treasurer of the state for the payment of moneys to the commissioners of schools of the several counties, but no order shall be drawn or signed by him in favor of the commissioners of any county until he shall have been furnished with a certificate, signed by the said commissioners of schools, that a sum at least equal to the amount of the county's share of the school fund derivable from the state, has been levied on said county for school purposes.

5th. He shall annually apportion the school money's payable by the treasurer of the state, and the share of each county among its respective districts in proportion to the number of white children residing in each over the age of five, and under that of sixteen years, as the same shall have appeared from the last annual reports of their respective trustees.

6th. Whenever in consequence of the division of a district, or the erection of a new district in any county, the apportionment then in force shall become unjust, as between two or more of the districts of such county, he shall make a new apportionment of the school moneys next to be distributed amongst such districts, ascertaining by the best evidence in his power, the facts upon which the ratio of apportionment as to such districts shall depend.

7th. He shall certify each apportionment made by him, to the treasurer of the state, and shall give immediate notice thereof, to the clerk of the county commissioners or levy court, as the case may be, of each county interested therein, and to the register of the city of Baltimore, stating the amount of moneys apportioned to his county and each district therein, and the time when the same will be payable to the proper authorities of such county, or to the register of the city of Baltimore.

8th. If any controversy shall arise among

the trustees of any district, or adjoining districts, concerning the duties of their office, the distribution of the fund derivable from the state, or the levying and collection of taxes, he is hereby authorised to settle and adjust the same without cost to the parties; and all moneys reasonably expended by him in this and other matters appertaining to the execution of his duty as superintendent, shall, upon due proof, be allowed to him by the governor, and be paid out of the school fund.

9th. Copies of papers deposited or filed in the office of the superintendent of common schools, and all acts and decisions by him, may be authenticated under the seal of the office of the secretary of state, and when so authenticated shall be evidence equally and in like manner as the originals; and to enable the superintendent to authenticate such papers, the secretary of state shall procure a seal for his office, upon which shall be stamped the arms of the state.

SECTION 2. *And be it enacted.* That the justices of the levy court or county commissioners, as the case may be, of the several counties of this state, in the month of _____ or at a special meeting for that purpose to be called, shall annually appoint nine of the inhabitants of their respective counties, to be commissioners of common schools for the said county; and also a suitable number of well-informed and descreet

persons, not exceeding ten, who, together with the commissioners, shall be inspectors of common schools for the said county, which said commissioners and inspectors shall hold their offices for one year, and until others shall be appointed in their places; and in case any of the officers so appointed, or to be appointed as aforesaid, shall refuse to serve, or die, or remove from the county, or become incapable of serving, the same shall be supplied at the next meeting of the levy court or of the commissioners of the county, as the case may be.

SECTION 3. *And be it enacted,* That the commissioners of common schools as aforesaid, shall have the following powers, and perform the following duties:

1st. They, or a major part of them, shall have power to divide their respective counties into a suitable and convenient number of school districts; and they, or a major part of them, shall have power to alter and change the school districts within their respective counties with a view to their better arrangement and the more general convenience of the people; *provided however,* that no such alteration or change shall be made before the first day of April, or after the first day of June, unless the trustees of the district, so to be altered or changed, shall assent thereto.

2nd. It shall be their duty after the forma-

tion or alteration of any such school district in their respective counties, to describe and number the same, and to deliver the description and number thereof in writing, to the clerk of the county, who is hereby required to receive and record the same in the county records, without fee or reward, and to furnish to the superintendent of common schools a certificate thereof.

3rd. They shall, after having first obtained the signature of the superintendent of common schools to their order, apply for and receive from the treasurer of the state; all moneys apportioned for the use of common schools in their respective counties, and from the collectors of the several school districts in their several counties, all money raised therein for the same purpose, as soon as such moneys shall become payable, or be collected.

4th. They shall, on the first day of in each and every year, distribute agreeably to the apportionment made by the superintendent of common schools, the school moneys received by them from the treasurer of the state amongst the several school districts, separately set off in their respective counties; and shall also, at the same time distribute amongst the several districts the moneys which have been levied and collected within their limits.

5th. All moneys apportioned by the commissioners to the trustees of a district, which shall

have remained in the hands of the commissioners for one year after such apportionment, by reason of the trustees neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by the commissioners, and shall be apportioned and paid therewith in the same manner.

6th. It shall be the duty of the commissioners of common schools in each county, between the first day of and the first day of in each year, to make and transmit to the superintendent of common schools, a report in writing, bearing date on the first day of in the year of its transmission, and stating—

The whole number of school districts set off in their respective counties;

The districts from which reports shall have been made to the commissioners aforesaid, or their immediate predecessors in office, within the time limited for that purpose;

The length of time a school shall have been kept in each of such districts, distinguishing what portion of that time the school shall have been kept by qualified teachers;

The amount of money received in each of such districts;

The number of children taught in each, and the number of white children over the age of five and under sixteen years residing in each;

The whole amount of moneys received by the commissioners, or their predecessors in office, during the year ending at the date of their report, and since the date of their last preceding report; distinguishing the amount received from the treasurer of the state, district collectors, and from any and what other sources;

The manner in which such moneys have been expended, and whether any, and what part remains unexpended, and for what cause.

7th. It shall be their duty whenever any school districts shall be formed in their respective counties within twenty days thereafter, to make a notice in writing, describing such districts, and appointing a time and place for the first district meeting, and notify the taxable white inhabitants residing in such districts by publick advertizements, to be put up at the most publick places of the said district, at least six days before the time of such meeting; and in case such notice shall not be given as aforesaid, or the taxable white inhabitants of such district, when so notified, shall neglect or refuse to assemble or form a district meeting, in pursuance of such notice, or in case any district, having been formed or organized in pursuance of such notice, shall in the opinion of the commissioners aforesaid, be dissolved by adjournment without day, or from any other cause whatever, it shall and may be lawful for the

commissioners aforesaid, or any of them, at any time thereafter, to renew such notice, and the taxable white inhabitants of such district, liable to pay taxes, shall assemble together in pursuance of such notice; and when so assembled in district meeting, it shall and may be lawful for them, or a majority of such of them as shall be present at such district meeting, to adjourn to any other time or place; and at such first, or any future district meeting, it shall and may be lawful for them, or a majority of such of them as shall be present, to adjourn from time to time as occasion may require, to fix on a time and place for holding their future annual meetings, which annual meetings they are hereby authorized and required to hold; to choose by ballot three trustees to manage the concerns of such district; one clerk who shall give bond to the satisfaction of the trustees to keep the records and proceedings of such meetings, and one district collector; and to vote a tax on the resident inhabitants of said district for the support of the school of the district.

SECTION 4. *And be it enacted*, That the inspectors of common schools shall have the following powers, and perform the following duties:

1st. They shall examine the qualifications of all applicants for the appointment of teachers, and shall certify to the trustees of the particular districts the result of their examinations.

2nd. In making such examinations, it shall be their duty to ascertain the qualifications of the candidate, in respect to moral character, learning and ability.

3rd. They may require a re-examination of all or any of the teachers in their respective counties, whenever they shall deem it necessary, for the purpose of ascertaining their qualifications to continue as such teachers.

4th. It shall be their duty to visit all such common schools within their county, as shall be organized according to law, at least once a year, and oftener if they shall deem it necessary; and at such visitation, they shall examine into the state and condition of such schools both as regards the progress of the scholars in learning, and the good order of the schools; and may give their advice and direction to the trustees of such schools as to the government thereof, and the course of studies to be pursued therein.

5th. Each of them, by agreement with or direction of the other inspectors, may be assigned to a certain number of school districts, which it shall be his special duty to visit and inspect.

SECTION 5. *And be it enacted,* That it shall be the duty of the clerk of each school district to keep the records and proceedings of his district, in a book to be provided for that purpose, and

whenever a special district meeting shall be called by the trustees of such district, it shall be the duty of such clerk to give notice as aforesaid, of the time and place of such special meeting to the inhabitants of such district, at least ten days before such meeting shall be held; and when any district meeting shall be adjourned for a longer time than one month, it shall be the duty of the clerk of such district to give notice thereof in writing as aforesaid, at least ten days before the time appointed for such meeting; and it shall be the further duty of such clerk to give notice in like manner of every meeting to be held in such district; and it shall be the duty of such district clerk to keep and preserve all records, books, writings and papers belonging to his office; and on the expiration of his time of service, to deliver the same to his successor in office, in the same manner as the county clerk is required by law to deliver all records, books and papers belonging to his office to his successor in office, under the penalty of his official bond.

SECTION 6. *And be it enacted,* That the trustees of the several school districts shall have the following powers and perform the following duties:

1st. It shall be their duty whenever a district meeting shall have voted a district tax, or as soon as may be, to make a rate bill or tax

list, which shall raise the sum voted for, in due proportion on all taxable property in such district agreeably to the assessment of the last preceding county tax, and to annex to such list or rate bill, a warrant, and to deliver the same to the collector of such district, which warrant shall be substantially as followeth :

School District of county, Ss.
 To Collector of the school district
 in the aforesaid county, greeting: You are hereby required and commanded to collect from each of the inhabitants of said district, the several sums of money written opposite to the name of each of said inhabitants in the annexed tax list, and within sixty days after receiving this warrant, to pay the amount of the money by you collected into the hands of the commissioners of common schools of the county, or some one of them, and take their or his receipt therefor ; and if any one or more of said inhabitants shall neglect or refuse to pay the same, you are hereby further commanded to levy on the goods and chattels of each delinquent, and make sale thereof according to law. Given under our hands and seals, this day of in the year A. D.,

S. }
 S. } Trustees.
 S. }

2nd. They shall have power, if the sum or sums payable by any person named in such tax

list or rate bills, shall not be paid by him or her, or collected by virtue of said warrant, within the time therein limited, to renew such warrant in respect to such delinquent person.

3rd. When any real estate within a district, so liable to taxation, shall not be occupied and improved by the owner, his servant or agent, and shall not be possessed by any tenant, the trustees of any district at the time of making out any tax list by which any tax shall be imposed thereon, shall make and insert in such tax list a statement and description of every such lot, piece or parcel of land so owned by non-residents therein, in the same manner as required by law from county assessors in making out the assessment lists of their county; and if any such lot is known to belong to an incorporated company, the name of such company shall be specified, and the value of such lot or piece of land shall be set down opposite to such description, which value shall be the same that was affixed to such lot or piece of land in the assessment list of the county.

4th. It shall be their duty, whenever a district meeting shall have voted a sufficient tax for the purpose, to purchase a suitable site for their school house, and to build, keep in repair, and furnish such school house with necessary fuel, books, stationery and appendages.

5th. It shall be their duty to agree with and

employ, all teachers to be employed in their districts; *provided however*, that no teacher shall be employed by them, who shall not have received the certificate of approbation from the inspectors of schools, as herein before provided.

6th. It shall be their duty to pay the salaries of such teachers out of the moneys which shall come into their hands from the commissioners of common schools as aforesaid.

7th. It shall be their duty semi-annually, on or before the first days of April and October in each year, to make and transmit to the commissioners of common schools for their county, a report specifying the length of time a school has been kept in their respective districts; the amount of moneys received by them; the manner in which the same hath been expended by them, and as nearly as may be, the number of white children residing in their several districts, between the ages of five and sixteen.

8th. It shall be their duty, if the moneys apportioned to a district by the commissioners of common schools shall not have been paid, to bring suit for the recovery of the same, with interest, against the commissioner in whose hands the same shall be, or to pursue such other remedy for the recovery thereof, as is or shall be given by law; and the moneys when so received shall be applied by them in the same manner as if they had been paid without suit.

9th. The commissioners of common schools in each county, shall be enabled to hold any property which may be granted to them for the use and benefit of the common schools in their county; and such property, whether real or personal, shall be to them and their successors in office, in the same manner as if they were a body politick and corporate in law; and such property shall be deemed to be vested in the trustees of the several school districts, for the use and benefit of their schools, in the same manner as if such property had been granted to them for that purpose; and the said trustees of any school district shall be enabled to hold any property which may be vested in them for the use and benefit of their school; and such property, whether real or personal, shall be to them and their successors in office, in the same manner as if they were a body politick and corporate in law.

10th. Whenever the site of a school-house shall have been changed, the white inhabitants of the district entitled to vote, lawfully assembled at any district meeting, shall have power, by a majority of the votes of those present, to direct the sale of the former site or lot, and the buildings thereon, and appurtenances, or any part thereof, at such price and upon such terms as they shall deem most advantageous to the district; and any deed executed by the trustees

of such district, or a majority of them, in pursuance of such direction, shall be valid and effectual to pass all the estate or interest of such school district in the premises intended to be conveyed thereby, to the grantee named in such deed; and when a credit shall be directed to be given upon such sale, for the consideration money, or any part thereof, the trustees are hereby authorized to take, in their corporate name, such security by bond or mortgage, or otherwise for the payment thereof, as they shall deem best, and shall hold the same as a corporation, and account therefor to their successors in office and to the district; and the trustees of any such district for the time being, may in their name of office, sue for and recover the moneys due and unpaid upon any security so taken by them or their predecessors in office, with interest and costs.

11th. All moneys arising from any sale made in pursuance of this act, shall be appropriated to the payment of the expenses incurred in procuring a new site, and in removing or erecting a school house, or either of them, so far as such application thereof shall be necessary.

SECTION 7. *And be it enacted,* That the collectors of the several school districts shall have the following powers and perform the following duties:

1st. They shall have power to seize and expose for sale, at public auction, all such prop-

perty lying within their respective districts, upon which the tax levied for the support of common schools shall not have been paid within sixty days from the time of the making of the demand for the payment of the same; *provided however*, no property shall be sold unless notice of such sale shall have been given by public advertizement, to be stuck up at the most public places in said district for at least twenty days.

2nd. If any collector as aforesaid, shall in any case collect more than is due, the person aggrieved shall have his remedy against such collector by suit or warrant, and if he recover, he shall have judgment for double the amount improperly and unjustly extorted from him, and costs.

SECTION 8. *And be it enacted*, That before the collector of any district shall proceed to the discharge of the duties of his office, he shall give bond in such penalty as the trustees of his district shall approve, which bond when approved by the trustees aforesaid, shall be transmitted to the superintendent of common schools to be deposited for safe keeping among the records of his office.

SECTION 9. *And be it enacted*, That in each of the schools established under the provisions of this act, there shall be taught orthography, reading, writing, English grammer, geography and arith-

matic; and the teacher of each of said schools shall, in addition to the branches of learning aforesaid, give instruction in the history of the United States and general history, in book-keeping, surveying, geometry and algebra.

SECTION 10. *And be it enacted,* That the fund which is now under existing laws distributed to the several counties for the support of "academies, colleges and schools," be, and the same is hereby declared to be a part of the fund for the support of common schools, and as such, shall be applied exclusively to the support of the common schools of the several counties of the state; *provided however,* that nothing herein contained shall be so construed as to interfere with the donation annually made to St. John's College at Annapolis, or to that part of the fund which is now distributed to Charles and St. Mary's counties, and appropriated by them to the support of Charlotte Hall Academy, in St. Mary's county.

SECTION 11. *And be it enacted,* That before any one shall act as either a commissioner, inspector or trustee of any of the common schools established by this act, he shall subscribe before some justice of the peace the following oath or affirmation, to wit:

I, A B, do solemnly swear on the Holy Evangely of Almighty God (or solemnly affirm as the case may be,) that I will faithfully and

to the best of my ability execute the duties appertaining to the office of commissioner of common schools, (or of inspector or trustee, as the case may be,) as prescribed by the acts of the General Assembly of Maryland.

SECTION 12. *And be it enacted,* That it shall be the duty of the justice of the peace before whom such oath or affirmation shall be made, to transmit a certified copy of the same to the superintendent of common schools to be filed in his office.